

**people for better tv****RECEIVED**

November 16, 1999

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99-360

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

The Honorable William E. Kennard  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**Steering Committee**

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Civil Rights Forum on  
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League of United Latin American  
Citizens

NAACP

National Association of the Deaf

National Council of Churches

National Organization for Women

Project on Media Ownership

**Advisors**

Newton Minow

Ralph Neas

Communications Consortium Media  
Center

Dear Chairman Kennard:

People for Better TV (PBTv) is a national coalition of dozens of organizations and individuals. The following is a clarification and reminder of PBTv's request that the Federal Communications Commission begin a public proceeding to determine the public interest obligations of digital television broadcasters in accordance with the 1996 Telecommunications Act.

On June 3, 1999, PBTv submitted a Petition for Rule Making and for Notice of Inquiry into the public interest obligations of digital television broadcasters. And while we have a wide range of recommendations, in that petition we suggested that the 1960 Report and the report of the Advisory Committee on the Public Interest Obligations of Digital Television Broadcasters (Advisory Committee) should form the basic starting point of the requested Notice of Proposed Recommendation. We also urged the Commission to issue a Notice of Inquiry and hold hearings on the digital public interest standard, with special emphasis on the following issues:

1. The expansion of services to persons with disabilities.
2. The expansion of services to persons who speak languages other than English.
3. The creation of public access opportunities over multi-cast broadcast services.
4. The creation of opportunities for independent ratings services.
5. Privacy protection for consumers.
6. Rate regulation of pay-per-view programming over broadcast channels.

On October 20, 1999, the Vice President's office formally transmitted the report of the Advisory Committee to the Federal Communications Commission. We agree that the FCC "should take the next critical step [and] . . . institute a proceeding to consider the public interest obligations of digital television broadcasters." With most network affiliate broadcasters in the top thirty markets now sending digital signals, the public has a right to know how their local broadcasters are going to meet their local needs and interests .

While we remain concerned about a number of areas, People for Better TV urges the Commission to immediately address the following three issues in public proceedings: Serving Children and Families; Protecting Consumers of All Abilities; and Providing for the Needs of Local Communities.

## **1. Service to Children and Families**

There should be no question that the Children's Television Act applies to digital television broadcasters. The Commission should establish guidelines as soon as possible in accordance with that Act.

### **A. Educational Programs and Services**

Digital television's ability to provide rich pictures and many layers of information suggests a unique opportunity for educational programs. Every digital television broadcaster should be required to set aside a minimum of 7 hours each week to provide quality educational programs or significant educational services (such as data transmission for schools) to students of all ages. The nation's future strength will depend upon the access of all members of our society to educational resources, and no means of communication is as ubiquitous or as effective an educator as television.

### **B. Limits on Commercials During Children's Programs**

As this Commission has recognized, children should not be bombarded with commercial advertisements or with advertising disguised as entertainment or educational programs. We recommend that digital broadcasters be limited to no more than four commercials, no more than sixty seconds long, per hour during children's programs.

### **C. A Content-Based Ratings System**

We recommend a Notice of Inquiry into a "V-Chip" for digital broadcasters. New technologies could provide viewers independent ratings about the content of programs. Through the increased information capability of digital technology the present ratings system can be substantially improved upon. Broadcasters should provide the public much more information, from a variety of independent sources, about the nature (such as violent or sexual content) of the

programs being broadcast, as they are being broadcast. This should enable parents to screen out programs they do not want in their homes.

## **2. Protecting Consumers of All Abilities**

The Consumer Federation of America report to People for Better TV sounds an important alarm regarding the impact of the transition to digital television on consumers (see attached). A soon to be released report from a coalition of groups concerned about the disability community also suggests the need for clear guidelines if consumers of all ages and abilities are to be well served.

### **A. Closed Captioning and Descriptive Services**

A digital broadcast station should provide closed captioning and descriptive services for the blind of PSAs, public affairs programming, and political programming. Captioning and descriptions in these areas should be phased in over the first 4 years of a station's digital broadcasts, but should be completed no later than 2006.

### **B. Privacy Protection**

Digital television, particularly when combined with telephone and cable technologies, creates many opportunities for broadcasters to learn about consumer choice and preference, and to cater to those preferences through targeted programming and commercials. Consumers should have the power to prevent the collection and sale of information about their personal program or product choices.

### **C. Rate Protection**

Digital television will provide broadcasters the ability to generate scrambled "pay-per-view" programs, in much the same way that cable can do today. Consumers should be protected from excessive rates. The Federal Communications Commission should have the power to regulate the rates charged by broadcasters for pay-per-view programs.

## **3. Providing for the Needs of Local Communities**

Localism remains the hallmark of the U.S. broadcasting system. As important as television is to the nation, local stations are given licenses to serve local communities. We urge the Commission to establish guidelines which clarify the obligations of digital broadcasters to serve local needs and to respond to the particularly diversity of their communities.

**A. Public Affairs and Political Programming**

Too many vital issues and perspectives of importance to the local communities remain unexpressed and unexamined. Digital broadcasters should be required to use the new power of digital transmission to expand the number of perspectives expressed over the public airwaves. We recommend one hour of public affairs programming every day per channel with at least an equal emphasis on local issues and needs, including free and fair political discussion. Such programming should air in visible time periods during the day and evening. News shows should not be used to satisfy this public affairs programming requirement. Indeed, given the additional potential for increased channel space on digital television, providing local access should be the subject of an NOI.

**B. Community Outreach and Accountability**

Digital stations should be required to reach out to ordinary citizens and local leaders to determine community needs and interests. This process of reaching out and involving the community should serve as the station's road map for addressing these needs through news, public affairs, children's and other local programming, and public service announcements. Public input should be invited on a regular basis through postal and electronic mail services as well as broadcast announcements. The call for requests for public input should be accessible to the disabled. The stations should report quarterly during the year to the public on their findings.

Digital broadcasters should disclose their public interest programming and activities on a quarterly basis, matched against the ascertained community needs and interests. This should be done using standardized, easy to complete forms sensitive to administrative burdens and easily understood by the local citizens.

**C. Diversity**


Network programming cannot possibly address the diverse needs of each community within the station's area of influence. Local television must come to know and provide service to diverse communities.

Whether it is in programming, political discourse, hiring, promotion, or business opportunities within the industry, digital broadcasters must seize the opportunities inherent in digital television technology to reflect the diversity of the local community. We recommend that broadcasters support these goals and report quarterly to the public on their efforts. Serving diverse interests within a community is both good business and good public policy.

**Conclusion**

Again, People for Better TV requests public proceedings to determine how digital television broadcasters will serve Children, Consumers, and Community in accordance with the 1996 Telecommunications Act. As the Vice President has noted an increasing number of Americans have access to digital signals. The public's airwaves are being used. Yet no guidelines have been established to ensure that broadcasters are compliant with the Congressional mandate to serve the public interest. We urge you to immediately begin both a rule making proceeding and a notice of inquiry on the public interest obligations of digital television broadcasters.

Sincerely,



Mark Lloyd  
Counsel  
People for Better TV

cc: Commissioner Susan Ness  
Commissioner Harold Furchtgott-Roth  
Commissioner Michael Powell  
Commissioner Gloria Tristani